

REMARKS

Claims 1, 4, 6-10, 13, 15-21 and 23-26 are pending in this application. By this Amendment, claims 1 and 10 are amended. No new matter is added. Reconsideration of the present application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Nguyen in the January 5 and 9, 2006 telephone interviews. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. The Claims Define Allowable Subject Matter

Claims 1-4, 6-13, 15-21 and 23-26 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,546,191 to Hibi et al. in view of U.S. Patent No. 4,963,995 to Lang. This rejection is respectfully traversed.

Claims 1 and 10 are amended for consistency and clarity. No new matter is added. These claims now more clearly recite and clarify the selection of an indexing portion and replaying of the indexed portion during the recording of a subsequent portion of the recording. This is supported, for example, by Fig. 2, items 3.1 and 5.1.1 and page 5, lines 8-14 where a recording corresponding to recorded index 3.1 is replayed and viewed at index 5.1.1 during the recording of the activity.

As discussed during the telephone interview, none of the applied art teaches, discloses or suggests such a playback system where a previously indexed portion of a recording of an activity (first indexed portion) is selected during the recording of the activity and replayed during the simultaneous recording of the current second indexed portion of the activity.

As contingently agreed to by the Examiner, these features are not taught in either reference. The Office Action admits that Hibi does not disclose the features discussed above.

Lang fails to overcome the deficiencies of Hibi. At ^{best}~~least~~, both references even if combined only teach re-recording of an entire recorded program (making a copy) and subsequent image editing. However, neither have "on the fly" image editing (selection of a preciously indexed portion of a recorded activity) with replaying of that portion of the activity during the recording of subsequent portions of the recorded activity. Accordingly, claims 1 and 10 define over Lang and Hibi and are allowable.

Dependent claims 4, 6-9, 13, 15-21, and 23-26 are allowable for their dependence on allowable base claims and for the additional features recited therein. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. §103(a) is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

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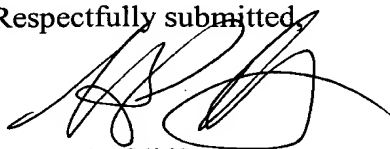
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II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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